

EXHIBIT A

VOL. IV PG. NO. 550

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS

3 TERRI PECHNER-JAMES
4 and SONIA FERNANDEZ,
5 Plaintiffs

6 VOLUME IV
7 VS. C.A. NO. 03-12499-MLW

8 CITY OF REVERE; THOMAS
9 AMBROSINO, MAYOR; CITY OF
10 REVERE POLICE DEPARTMENT,
11 TERRENCE REARDON, CHIEF;
12 BERNARD FOSTER, SALVATORE
13 SANTORO, ROY COLANNINO,
14 FREDERICK ROLAND, THOMAS DOHERTY,
15 JOHN NELSON, JAMES RUSSO,
16 MICHAEL MURPHY, and STEVEN FORD,
17 Defendants

18 CONTINUED DEPOSITION of TERRI
19 PECHNER-JAMES taken at the request of the
20 defendants pursuant to Rule 30 of the Federal
21 Rules of Civil Procedure before Nancy A.
22 Diemdowicz, Registered Merit Reporter, a
23 notary public in and for the Commonwealth of
24 Massachusetts, on May 5, 2006, commencing at
10:15 A.M. at the offices of Reardon, Joyce &
Akerson, 397 Grove Street, Worcester,
Massachusetts.

McCARTHY REPORTING SERVICE WORCESTER, MA
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VOL. IV PG. NO. 551

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DEPONENT: TERRI PECHNER-JAMES

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1 MR. PORR: All right. This is
2 Friday, May 5, 2006. It's approximately
3 10:15 A. M. We are on the record for the
4 fourth deposition session of Terri Pechner in
5 the matter of Pechner v City of Revere, et al,
6 and I'll be starting the City's
7 cross-examination today.

8 And just for the record, we're
9 starting at 10:15 because prior to the
10 deposition Mr. Dilday, myself, and John
11 Vigliotti on behalf of the individual officer
12 defendants, conducted a conference under local
13 Rule 7.1 regarding the missed deposition of
14 Sonia Fernandez yesterday.

15 For the record, counsel and the
16 witness were present at ten, as required by
17 the court's order. We just were delayed
18 because of the 7.1 conference.

19

20 EXAMINATION BY MR. PORR:

21 Q. So good morning, Ms. Pechner. How
22 are you today?

23 A. Good. Thank you.

24 Q. And I trust that you know I'm Walt

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1 Porr, assistant city solicitor for the City of
2 Revere. I represent the City, the Police
3 Department, the current police chief, Terrence
4 Reardon, and Mayor Thomas Ambrosino in this
5 case. Is that correct?

6 A. I didn't know you represented the
7 police department.

8 Q. Okay. Well, I do. I have the two
9 entity parties, the City and the department,
10 and then I have the two current officials -
11 the mayor and the current chief - and that's
12 who I represent in this case.

13 And I'm going to start the City's
14 cross-examination, or at least those
15 defendants I collectively will call them the
16 City today.

17 A. Can I just say, maybe I'm a little
18 bit confused, but I was under the assumption
19 that the Akerson's firm was representing the
20 police officers and you were representing the
21 City. So basically what you're saying is you
22 represent both the City and the police
23 officers that are named?

24 Q. I do not represent any of the named

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1 officers. I only represent the City, the City
2 police department, the current mayor, Thomas
3 Ambrosino, and the current chief, Chief
4 Reardon. All the other named parties are
5 represented by Mr. Akerson's firm.

6 MR. DILDAY: Can we go off the
7 record for a minute? Let me take her outside
8 for one second.

9 MR. PORR: Oh, sure.

10 (Off-the-record discussion from
11 10:18 A. M. to 10:24 A. M.)

12 MR. DILDAY: To go back on the
13 record, it was my understanding that this
14 deposition today would have been the ending of
15 the individual police officers' deposition
16 conducted by Mr. Akerson based upon the
17 statements made in court that he had maybe
18 one-half to three-quarters of a day.

19 So as I understand it now,
20 Mr. Akerson, you've completed your deposition
21 of this young lady?

22 MR. AKERSON: Who said that? No.
23 No, sir. Mr. Porr is going to ask some
24 questions today. I still stand by the court

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1 order that I do have -- the judge gave me a
2 day left.

3 MR. DILDAY: Well, I would object
4 on the record to the out-of-order process,
5 because it was my understanding that we would
6 go through Mr. Akerson's questioning, and when
7 he was completed, then Mr. Porr would start
8 with his.

9 MR. AKERSON: I don't know where
10 you're getting that from, Jim. I don't know
11 of any rule, policy, practice, norm,
12 requirements. I've been jammed up this week
13 with work, so I asked Mr. Porr if he could
14 start with his and I'll convene when I have
15 more time.

16 As I told you, last night I was at
17 a hearing which I was expecting to last a
18 couple of weeks at night, nighttime weeks. So
19 I asked Mr. Porr. I have not waived anything
20 in terms of my one day. I'm still going to
21 act in conformance with the judge's order.

22 MR. DILDAY: So my objection is on
23 the record. You can continue.

24 MR. PORR: I think we had a

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1 newspaper article?

2 A. I don't have a copy of the
3 newspaper article. I have a copy of the
4 photocopy that was at the -- the original copy
5 that was on the bulletin board.

6 Q. Okay.

7 MR. PORR: Mr. Dilday, do you have
8 a copy of that document?

9 MR. DILDAY: I don't know what
10 you're talking about. I didn't see the notes.

11 MR. PORR: It's the newspaper
12 article that was then doctored, if you will,
13 from August of '96.

14 MR. DILDAY: I'm pretty sure that I
15 do.

16 MR. PORR: I have not seen it and I
17 suspect it would have been well within a
18 number of document production requests.

19 THE WITNESS: If we can take a
20 break, I'd be more than happy to get it for
21 you.

22 MR. PORR: Oh, lovely. Why don't
23 we do that. Thank you.

24 (Off-the-record discussion from

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1 11:44 A. M. to 11:54 A. M.)

2

3 (Deposition Exhibit No. 10 marked.)

4 Q. All right. We're back on the
5 record. Ms. Pechner, let me hand you what
6 I've had marked as Exhibit 10 and ask you to
7 confirm that that's an accurate copy of the
8 photograph referenced in the first
9 paragraph on page 4 of your notes which are
10 Exhibit 1.

11 A. Yes.

12 Q. Okay. And you have the original
13 sitting next to this marked exhibit, correct?

14 A. That's a photocopy.

15 Q. Do you have anything more original
16 than the photocopy?

17 A. I may have the original. I don't
18 know if --

19 Q. Okay.

20 A. I've moved a couple times so...

21 Q. Understood.

22 A. This has been in my book, my
23 binder.

24 MR. PORR: Off the record,

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1 A. I don't know.

2 MR. PORR: Okay. Mr. Dilday, I'm
3 getting to a point where I'm going to sort of
4 shift gears, and it's 12:20. Do we want to
5 take our lunch break?

6 MR. DILDAY: I don't care. What do
7 you think?

8 MR. PORR: I'm asking.

9 MR. DILDAY: I guess, are you
10 saying that if you shift gears you'll be
11 caught in something -- yeah, let's do it.
12 From 12:20 to what? 1:15, 1:20?

13 MR. PORR: Please.

14 MR. DILDAY: Okay.

15 (Luncheon recess taken from
16 12:20 P. M. to 1:33 P. M.)

17 MR. PORR: We're back on the record
18 after our noon recess.

19 Q. Ms. Pechner, we've been talking
20 about events during calendar year 1996, and I
21 wanted to finish up on that period of time
22 before I move on to other questions. In
23 particular, I want to talk about a different
24 event. Something we haven't talked about yet.

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1 right-knee injury?

2 A. Yeah.

3 Q. There's no IOD reference for the
4 28th or 29th. Were they days off?

5 A. I don't know.

6 Q. If you want to take a break, please
7 speak up.

8 A. Sure. I just want to grab a
9 tissue.

10 MR. PORR: Shall we take five?

11 MR. DILDAY: Yeah.

12 (Recess taken from at 2:30 P. M. to
13 2:42 P. M.)

14 MR. PORR: Back on the record.

15 Q. Would you turn in the calendar to
16 July -- the week of July 1 to 7. Ah. You got
17 it. The second -- there's a big triangle
18 around the number two. Does that represent
19 something?

20 A. Triangle?

21 Q. Yeah.

22 MR. DILDAY: Right there.

23 A. I'm scribbling. Maybe it did in
24 '96. I don't know.

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1 the January 1999 meeting, which have been
2 marked as Exhibit 9, are more reliable than
3 your notes of the same event which is
4 Exhibit 1?

5 A. I don't know.

6 Q. Okay. If you don't know which is
7 more reliable, why did you opt for the January
8 '99 quote in your verified complaint of 2003?

9 MR. DILDAY: Objection, again.

10 MR. PORR: Noted, counsel.

11 A. I didn't write the complaint.

12 Q. You signed the complaint, didn't
13 you?

14 A. Sure did.

15 Q. And you signed the complaint under
16 pain and penalty of perjury, didn't you?

17 A. Yes, I did.

18 Q. And you did so swearing that --

19 A. Ooh. I'm scared. Ooh. I need a
20 break. I'm scared. I need to take a break.
21 Serious, I need to take a break. I'm scared.

22 MR. PORR: For the record, before
23 Ms. Pechner said she was scared, she made a
24 motion with her hands up and waving them back

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1 and forth which I interpreted as mocking my
2 previous question. I guess we'll take a
3 break.

4 (Recess taken from 3:51 P. M.
5 to 4:02 P. M.)

6 MR. DILDAY: I'd like to go on
7 record asking that we break at about 4:45 and
8 for -- reason is that I'm about an hour's
9 drive to my house. My wife is out of the
10 country. Her 90-year-old mother lives with us
11 and the caretaker wants me to be no later than
12 six. Last night I didn't get home until 8:30,
13 and I was admonished that I should be home by
14 six tonight because she has some duties to
15 perform of her own.

16 MR. PORR: Last question and
17 answer, please.

18 (The record was read by the
19 reporter as requested.)

20 Q. Ms. Pechner, when you signed the
21 complaint under the pains and penalties of
22 perjury, you knew you were attesting to the
23 truthfulness of the facts in that complaint,
24 correct?

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1 112 right below the question?

2 A. Correct.

3 Q. Okay. The answer is the date of
4 the incident stated in paragraph 69,
5 February 23, '97. Do you see that?

6 A. I do.

7 Q. Okay. So you put the date of the
8 WIC comment as the same date as the Citizens
9 Academy comment?

10 A. I see that.

11 Q. Okay. Did they, in fact, happen on
12 the same day?

13 A. I believe that's a typo error.

14 Q. Okay. You signed these
15 interrogatory responses under penalty of
16 perjury, didn't you?

17 A. We are all human here. There are
18 human errors. You also stood up in the court
19 under the pains and penalties of perjury and
20 said you didn't make Ma Barker a derogatory
21 comment, so let's not go there. I mean, I'm
22 telling you that it's maybe an error and
23 humans make errors.

24 Q. Are you done?

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1 A. I'm done.

2 MR. PORR: Motion to strike. Mark
3 the record, please.

4 A. Has your wife ever cheated on you?

5 Q. Are you done?

6 MR. DILDAY: Terri, please, don't
7 say that.

8 A. Has your wife ever had an abortion?

9 MR. DILDAY: Terri, stop.

10 THE WITNESS: My past is the past.

11 MR. DILDAY: Maybe we should break.

12 THE WITNESS: My past is the past.

13 MR. PORR: Mr. Dilday, I concur.

14 THE WITNESS: My past is the past
15 and you know what? If he goes to law school
16 that long to --

17 MR. PORR: Go ahead and go off the
18 record.

19 (Off-the-record discussion.)

20

21

22 (The deposition then adjourned.)

23

24